

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

HOMERO VELASQUES SAABEDRA,

No. C 08-233 SI

Plaintiff,

**ORDER GRANTING APPLICATION TO  
PROCEED *IN FORMA PAUPERIS* AND  
DISMISSING COMPLAINT WITH LEAVE  
TO AMEND**

v.

HSBC MORTGAGE SERVICES, *et al.*,

Defendants.

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On January 14, 2008, plaintiff filed a “Petition for Libel of Review of an Administrative Judgment,” and an application to proceed *in forma pauperis*. Plaintiff’s petition states, among other things, that he seeks review of a foreign judgment and that this case involves “a constitutional matter involving a man on the land complaining about theft and kidnap.” Plaintiff has attached a “bill of lading” to his petition, and states “I use a Bill of Lading/Petition/Complaint in all of my lawsuits.” Plaintiff also appears to refer to himself as a “vessel,” and the petition states that the complaint is brought under admiralty law. Plaintiff has also attached to his petition an “Invoice” which seeks over 15 million dollars in damages.

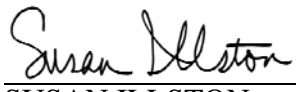
Title 28 U.S.C. § 1915(e)(2) authorizes federal courts to dismiss a complaint filed *in forma pauperis* if the Court determines that the complaint fails to state a claim. *See* 28 U.S.C. § 1915(e)(2)(B)(ii). Here, the Court cannot determine the factual or legal bases for plaintiff’s claims. Accordingly, plaintiff’s complaint is DISMISSED WITH LEAVE TO AMEND pursuant to Section 1915(e)(2). *See Lopez v. Smith*, 203 F.3d 1122, 1128 (9th Cir. 2000). Plaintiff’s application to proceed *in forma pauperis* is GRANTED. (Docket No. 3).

If plaintiff wishes to file an amended complaint, the complaint shall (1) state the basis for federal

1 jurisdiction; (2) specifically identify the claims that plaintiff is asserting (for example, if plaintiff is  
2 suing under a federal or state statute, the complaint shall identify that statute); (3) state, as clearly as  
3 possible, the facts giving rise to the complaint, including the dates upon which the events occurred; and  
4 (4) state the relief that plaintiff seeks. **Any amended complaint must be filed by February 8, 2008.**  
5 **Failure to file an appropriate amended complaint by that date will result in dismissal without**  
6 **leave to amend.**

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8 **IT IS SO ORDERED.**

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10 Dated: January 23, 2008

  
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SUSAN ILLSTON  
United States District Judge